

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
TIMOTHY PRATT,

Petitioner,

-against-

FREDERICK MENEFEЕ,

Respondent.  
----- X

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

05 CV 1598 (ARR)

NOT FOR ELECTRONIC  
OR PRINT  
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

By petition filed on September 5, 2004, the pro se petitioner, Timothy Pratt, seeks a writ of habeas corpus under 28 U.S.C. § 2255. Petitioner's conviction became final on approximately May 23, 1999. By order dated March 30, 2005, the court directed petitioner to show cause within sixty days by written affirmation why his habeas petition should not be dismissed as time-barred. The court explained that, in certain circumstances, the applicable one-year statute of limitations may be equitably tolled on the basis of counsel's ineffective assistance. The court also notified petitioner that if he failed to comply with the order within the allotted time period, his petition would be dismissed as time-barred. More than sixty days have passed, and petitioner has submitted nothing demonstrating that the statute of limitations should be equitably tolled. As a result, the court dismisses his petition as time-barred.

The Clerk of the Court is directed to enter judgment accordingly.

SO ORDERED.

Allyne R. Ross  
United States District Judge

Dated: August 18, 2005  
Brooklyn, New York

SERVICE LIST:

Pro Se Petitioner

Timothy Pratt  
45804-053  
FCI-Otisville  
P.O. Box 1000  
Otisville, NY 10963

Attorney for Respondent

United States Attorneys Office  
Eastern District of New York  
One Pierrepont Plaza  
Brooklyn, New York 11201